

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Stephen J. Mordfin, AICP, Case Manager
 Joel Lawson, Associate Director Development Review
DATE: January 7, 2014
SUBJECT: BZA Case 18690, 606 Florida Avenue, N.W.

I. OFFICE OF PLANNING RECOMMENDATION

The Office of Planning (OP) recommends **approval** of the following:

- § 733, Fast Food Restaurants in the C-2-A zone.

Subject to the following conditions:

1. Trash cans associated with the use shall be stored at the rear of 600 T Street, with all refuse collected from the north/south public alley located adjacent to and to the west of 600 T Street, N.W.; and
2. All loading shall take place through the rear.
3. An easement shall be recorded permitting loading and the storage of refuse from the subject property to be from the rear of 600 T Street, N.W.
4. The existing opaque gate between the rear of 600 T Street, N.W. and the public alley shall be maintained.
5. After 11:00 p.m. a security guard shall be on duty during business hours.

II. LOCATION AND SITE DESCRIPTION

Address	606 Florida Avenue, N.W.
Legal Description	Square 441, Lot 838
Ward	6
Lot Characteristics	Level rectangular lot with no alley access
Zoning	C-2-A: Medium density community business center
Existing Development	One-story commercial building
Historic District	Greater U Street
Adjacent Properties	North: Across Florida Avenue, row houses and flats South: Four-story apartment building East: Commercial and mixed-use buildings West: Two-story two-unit residential building

Surrounding Neighborhood Character	Commercial and mixed-use buildings on T Street and the south side of Florida Avenue, with moderate density residential development along the side streets
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III. APPLICATION IN BRIEF

The applicant proposes to open a fast-food carry-out restaurant within an existing one-story commercial structure, with seating for 15 to 20 people. Pedestrian access to the store would be from Florida Avenue. A rear door, entering onto a small area across a portion of the rear yard, would be used for loading and refuse removal.

Refuse would be stored within cans at the rear of 600 T Street, the adjacent property to the west and under the same ownership as the subject property. This area is screened from public view by a cinder block wall to the south, the 600 T Street building to the north, and an opaque gate to the west that opens onto a public alley.

Deliveries would be made to the rear, typically be using ten to fourteen-foot box trucks. No deliveries would be made to the front.

Hours of operation would be Mondays through Wednesdays, 6:00 a.m. to midnight, Thursdays, 6:00 a.m. to 3:00 a.m., and Fridays and Saturdays, 9:00 a.m. to 5:00 a.m. A security guard would be on duty after 11:00 p.m.

No building construction is proposed.

IV. ZONING REQUIREMENTS and REQUESTED RELIEF

C-2-A Zone	Regulation	Existing	Proposed	Relief
Height § 770	50 feet	> 50 feet	> 50 feet	None required
Floor Area Ratio § 771	1.5 max. (non-residential)	0.91	0.91	None required
Lot Occupancy § 772	100% max. (non-residential)	91%	91%	None required
Rear Yard § 774	15-foot min.	None	None	None required

V. OFFICE OF PLANNING ANALYSIS

a. Special Exception Relief pursuant to § 733, Fast Food Restaurants in C-2-A Districts

733.2 *No part of the lot on which the use is located shall be within twenty-five feet (25 ft.) of a Residence District unless separated therefrom by a street or alley.*

The subject property directly abuts a residence district to the rear. Pursuant to Section 733.12 of the Zoning Regulations, the applicant requests to modify this condition, as discussed below.

- 733.3 *If any lot line of the lot abuts an alley containing a zone district boundary line for a Residence District, a continuous brick wall at least six feet (6 ft.) high and twelve inches (12 in.) thick shall be constructed and maintained on the lot along the length of that lot line. The brick wall shall not be required in the case of a building that extends for the full width of its lot.*

Not applicable.

- 733.4 *Any refuse dumpsters shall be housed in a three (3) sided brick enclosure equal in height to the dumpster or six feet (6 ft.) high, whichever is greater. The entrance to the enclosure shall include an opaque gate. The entrance shall not face a Residence District.*

No dumpsters would be used. Instead, the applicant would place trash cans within the rear yard of the adjacent property to the west, 600 T Street. This yard is screened from public view by a six-foot high masonry block wall to the south, a two-story brick building to the north and a six-foot high opaque gate to the west, facing the alley and the C-2-A district beyond. Although not a dumpster enclosure, this rear yard is fully enclosed and the entrance would not face a residence district and the trash cans would not be visible.

- 733.5 The use shall not include a drive-through.

No drive-through is proposed.

- 733.6 *There shall be no customer entrance in the side or rear of a building that faces a street or alley containing a zone district boundary line for a Residence District.*

The only customer entrance proposed would be from the front, facing Florida Avenue.

- 733.7 *The use shall be designed and operated so as not to become objectionable to neighboring properties because of noise, sounds, odors, lights, hours of operation, or other conditions.*

Situated among other restaurant uses along Florida Avenue and T Street, the proposed use, a carry-out restaurant, would not become objectionable to neighboring properties because of noise, sounds or lights. A ventilation system would be utilized to control odors. After 11:00 p.m. a security guard would be on duty to protect the use from becoming objectionable to neighboring properties during late night hours.

- 733.8 *The use shall provide sufficient off-street parking, but not less than that required by § 2101.1, to accommodate the needs of patrons and employees.*

No off-street parking is required as the building contains less than 3,000 square feet in area.

- 733.9 *The use shall be located and designed so as to create no dangerous or other objectionable traffic conditions.*

All loading and refuse removal would take place via the public alley to the west of 600 T Street. As no parking or standing is permitted on Florida Avenue, all loading or trash removal activities would be required to utilize the public alley.

- 733.10 *There shall be adequate facilities to allow deliveries to be made and trash to be collected without obstructing public rights-of-way or unreasonably obstructing parking spaces, aisles, or driveways on the site.*

Trash is proposed to be collected from the rear of 600 T Street, N.W., the adjacent property to the west, which has direct access to a public alley. A back door into the subject property would allow for deliveries to be made to the rear.

- 733.11 *The Board may impose conditions pertaining to design, screening, lighting, soundproofing, off-street parking spaces, signs, method and hours of trash collection, or any other matter necessary to protect adjacent or nearby property.*

The subject property has no direct access to a public alley. However, the adjacent property to the west, 600 T Street, N.W., is under the same ownership as the subject property and has direct access to a public alley. Therefore, the Office of Planning recommends that an easement be recorded to permit all loading and trash removal for the subject property to take place the rear of 600 T Street, N.W.

- 733.12 *An applicant for special exception under this section may request the Board to modify the conditions enumerated in §§ 733.2 through 733.4; provided that the general purposes and intent of this section are complied with.*

The applicant requested to modify the provisions of Section 733.2, to permit the fast food restaurant on lot that directly abuts the R-4 residence district. At the rear of the subject property is a party wall for a four-story residential building. This party wall has no windows or doors that open onto or face the subject property. Therefore, although not separated by an alley, street or a twenty-five foot distance, the four-story masonry wall would screen and buffer the proposed use from the adjoining residential district.

b. Is the proposal in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps?

The proposed use, a fast food restaurant, is consistent and compatible with the C-2-A low to moderate density commercial district. As the use is also in conformance with the provision of Section 733 of the Zoning Regulations, it is in harmony with the Zoning Regulations and Zoning Maps.

c. Would the proposal appear to tend to affect adversely, the use of neighboring property?

The proposal would add a fast food restaurant to a commercial district that includes other restaurants, cafes and small grocery stores and entertainment facilities, complementing the existing array of uses.

The Historic Preservation Office had no comments on the application.

VI. COMMENTS OF OTHER DISTRICT AGENCIES

The Metropolitan Police Department, in an email to the Office of Planning dated December 30, 2013, indicated that it had no opposition to the application.

DDOT, in an email dated December 31, 2013, indicated that no delivery or pick-up activity can take place from the front as no parking or standing is permitted on Florida Avenue, and that trash removal needs to be from the rear.

No comments were received from other agencies.

VII. COMMUNITY COMMENTS

ANC 6E was scheduled to review the subject application at its regularly scheduled meeting of January 7, 2014.

Attachment: Location Map

